

## REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### DRAWING OBJECTIONS - TRAVERSED AS NOT "PRIOR ART"

The "Drawings" section on page 2 of the Office Action objects to the drawings, alleging that certain ones of Applicant's FIGS. should be labeled as "Prior Art". Traversal is appropriate, because such FIGS. are not published prior art, and instead are simply background description provided by Applicant to aid in an understanding of the present invention. Applicant does not want to make any admissions as to prior art. If the objection is maintained in any next action, Applicant respectfully requests that the Examiner cite prior art references to meet his/her burden to show that such arrangement definitively are "Prior Art". Based upon the foregoing, reconsideration and withdrawal of the above-referenced objection to the drawings are respectfully requested. If FIG. labeling becomes the only issue barring allowance of the application, Applicant may be agreeable to label appropriate FIGS. as "Background", and in such situation, the Examiner is invited to call the undersigned at the local Washington, D.C. telephone number of 703-312-6600 in order to discuss the same.

### **PENDING CLAIMS**

Claims 1-10 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-10 will be pending for further consideration and examination in the application.

### **'101 REJECTION - BEAUREGARD CLAIM(S)**

Claims 9 and 10 has been rejected under 35 USC 101, apparently because such claims were allegedly not written in an acceptable Beauregard format. Applicant respectfully submits that appropriate ones of the rejected claims have been rewritten in another manner believed to be a proper Beauregard format, i.e., the Examiner's suggested claim changes were adopted. Regarding the Office Action comments that claim 9 appears to "be comprised of software alone", traversal is appropriate because differing portions of claim 9 may be implementable by hardware, software, or a combination of hardware and software. Based upon the foregoing, reconsideration and withdrawal of the '101 rejection are respectfully requested.

### **ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED**

All 35 USC rejections (i.e., the 35 USC '102 rejection of claims 1-3, 6, 9 and 10 as being anticipated by Watanabe et al. (U.S. Patent Pub 2003/0233387); and, the 35 USC '103 rejection of claims 4-5 as being unpatentable over Watanabe et al. (U.S. Patent Pub 2003/0233387) in view of Oulu et al. (U.S. Patent 6,792,460); claims 7-8 as being unpatentable over Watanabe et al. (U.S. Patent Pub 2003/0233387) in view of Oulu et al. (U.S. Patent 6,792,460) and further in view of Yamamoto et al. (U.S. Patent Pub 2002/0032839)) are respectfully traversed.

More particularly, Applicant respectfully notes that an effective filing date (18 June 2003) of the Watanabe et al. reference falls between the present application's U.S. filing date (18 March 2004) and the present application's foreign priority date (03 June 2003), and accordingly, such **Watanabe et al. reference can be removed as valid prior art by the filing of an English language translation of Applicant's foreign priority document(s) together with a statement that the translation of the certified copy is accurate**. Attached herewith is an English language translation of Applicant's foreign priority document(s), together with Applicant's representative's statement that the translation of the certified copy is accurate.

Based upon the foregoing, reconsideration and withdrawal of the prior art rejections are respectfully requested.

The above statements, or the filing of any English translation(s), should not be taken as an indication or admission that the art is substantively relevant, but is merely use of a procedural approach to preclude art. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of

Applicant's unamended claims, then it would not be proper to make a next action final.

### **ALL CLAIMS IN CONDITION FOR ALLOWANCE**

In view of the fact that all prior art rejections have been obviated by Applicant's antedating of the Watanabe et al. reference, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed

limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.43661X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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